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4 Attorneys for *M/V KANA-MARU NO. 1*
and *TOSHIHIKO IKEMA*

FILED
DISTRICT COURT OF GUAM

MAR 20 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

MARUWA SHOKAI GUAM, INC.,
a Guam corporation,

Plaintiff,

vs.

M/V KANA-MARU NO. 1
and TOSHIHIKO IKEMA,

Defendants.

CIVIL CASE NO. CIV00-00029

DECLARATION OF COUNSEL

TOSHIHIKO IKEMA,

Counterclaim-Plaintiff,

vs.

MARUWA SHOKAI GUAM, INC.,
a Guam corporation,

Counterclaim-Defendant.

M/V KANA-MARU NO. 1
and TOSHIHIKO IKEMA,

Third-Party-Plaintiffs,

vs.

MARUWA SHOKAI, LTD.,
a Japan corporation,

Third-Party Defendant.

DECLARATION OF COUNSEL

I, Daniel J. Berman, being of legal age and currently residing in the Territory of Guam hereby

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ORIGINAL

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4 declare and state as follows:

5 1. The statements made in this Declaration are true, correct and complete to the best of my
6 knowledge and prepared in support of the Motion to Withdraw as Counsel;

7 2. My law firm has been employed as counsel for the Defendants Toshihiko Ikema and M/V
8 Kana-Mar No. 1 (herein "Defendant") in the above captioned action.

9 3. On November 17, 2005, I sent notice and written a letter to Toshihiko Ikema at his last
10 known address via registered mail, return receipt requested. This letter notified Mr. Ikema of the legal
11 issues arising in the above captioned case. I had requested but received no reply to this letter.

12 4. On February 4, 2006, I sent notice of counsel's intent to file a motion to withdraw and
13 terminate legal representation based on his failure to communicate and pay the expenses of legal
14 representation. Therein, I explained that the civil action was again coming on calendar based on certain
15 papers filed by the party Sanko Bussan Co., Ltd.

16 5. On March 1, 2006, I notified in writing Toshihiko Ikema of the failures of communication
17 and failure to pay the debt due for legal services to my law firm. Specifically, I provided notice that I will
18 file a motion to withdraw as their attorney of record in this matter if I did not hear any reply within 14 days
19 of the date of the letter.

20 6. On March 1, 2006, my notice to Toshihiko Ikema included a notice of status conference
21 set in the Guam District Court on March 21, 2006, at 9:00 A.M.

22 7. A copy of this motion is provided to the last known address of Defendants Toshihiko
23 Ikema and M/V Kana-Mar No. 1 at 110 Asa-Maesatozoe, Irabu-Cho, Miyakojima, Okinawa - Nation
24 of Japan.

25 8. I have not received any reply contact, in writing or orally, from Toshihiko Ikema for over
26 five months.

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4 I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing
5 statements are true and correct to the best of my knowledge.

6 Dated this 20TH day of March, 2006.

7 **BERMAN O'CONNOR MANN & SHKLOV**
8 Attorneys for *M/V KANA-MARU NO. 1* and
9 *TOSHIHIKO IKEMA*

10 BY:

11 
12 DANIEL J. BERMAN